

## PHYSIS AND NOMOS: THE NATURE OF EQUALITY IN POPPER'S AND STRAUSS' READINGS OF PLATO

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Striving for equality has been often, if not always, at the heart of the *ethos* of democratic regimes, even when practices fall short of such ambitious goal. The trend towards an ever increasing equality still faces an important and pervasive limitation, i.e. citizenship is not a right shared by all, but a privilege of birth, or descent, or autochthony. This problem was voiced in Plato's dialogue *Menexenus*: is democracy viable if no historical ties or common culture justifies solidarity and bearable sharing democratic burdens? Is social equality of the citizens a condition forcing to seek legal equality or an enemy of excellence?

In spite of the enormous differences between Popper's and Strauss' agendas and even their ideals, both chose to explore the normative foundation of democracy by confrontation with Plato and his predecessors. Karl Popper in *The Open society* criticized Plato's arguments against equality proposing an idiosyncratic interpretation of the controversy on Nature and Convention. Leo Strauss in his conferences on *Natural right and history* also elaborated on the emergence of the concepts of *Physis* and *Nomos* confronting Plato against "classical conventionalism". This paper engages Popper and Strauss in a fictive debate on the foundations of political equality.

**Keywords:** Karl Popper, Leo Strauss, equality, convention, nature, Plato's *Menexenus*.

Buscar arduamente a igualdade tem estado muitas vezes, senão sempre, no coração do *ethos* dos regimes democráticos, mesmo quando as práticas ficam aquém dessa meta ambiciosa. A tendência para uma cada vez maior igualdade enfrenta todavia uma limitação importante e generalizada, ou seja, a cidadania não é um direito

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partilhado por todos, mas um privilégio do nascimento, descendência ou ligação à terra. Platão deu voz a este problema num diálogo intitulado *Menexeno*: é a democracia viável se não há vínculos históricos ou uma cultura comum que justifiquem a solidariedade e tornem suportável a partilha dos fardos democráticos? É a igualdade social dos cidadãos uma condição que força a busca da igualdade legal ou um inimigo de excelência?

Apesar das enormes diferenças entre as agendas de Strauss e Popper e mesmo dos seus ideais, ambos optaram por explorar a base normativa da democracia por confronto com Platão e seus predecessores. Karl Popper em *A Sociedade aberta* criticou os argumentos de Platão contra a igualdade propondo uma interpretação idiosincrática da controvérsia sobre Natureza e Convenção. Leo Strauss nas suas conferências sobre *Direito natural e história* também discorreu sobre o aparecimento dos conceitos de *Physis* e *Nomos*, confrontando Platão com o “convencionalismo clássico”. Este artigo envolve Popper e Strauss num debate imaginário sobre os fundamentos da igualdade política.

**Palavras-chave:** Karl Popper, Leo Strauss, igualdade, convenção, natureza, *Menexeno* de Platão.

## 1. Introduction

Striving for equality has often, if not always, been at the heart of the *ethos* of democratic regimes, even when practices fall short of such ambitious goals. The trend seems to move in the direction of expanding equality and abolishing all barriers to its spreading: abolition of literacy or property requirements for political participation, female suffrage, lowering of voting age, proportional representation, etc.. This ever increasing equality still faces an important and pervasive limitation, i.e. citizenship is not a right shared by all, but a privilege of birth, or descent, or autochthony, as if some last trace of aristocracy persisted.

The use of descent as a title to citizenship is very ancient. Let us recall for a moment a short and almost forgotten dialogue by Plato, who comically describes Athenian democracy, saying that some call it democracy, but whatever name we use, it really is an aristocracy with the consent of the majority (Plato, *Menexenus*, 238 b-d). At the center of the dialogue is a Funeral Oration, a prayer for the dead in battle presented to the young Menexenus by Socrates, composed of two parts: an *encomium* of the deceased and a consolation of their families. In the *encomium* Socrates engages in praising Athens, claiming the autochthony of its citizens. In Plato's *Eulogy*, Socrates also explains the basis of Athens' democratic system:

The basis of our government is equality of birth; for other states are made up of all sorts and unequal conditions of men, and therefore their governments are unequal; there are tyrannies and there are oligarchies, in which the one party are slaves and the others masters. But we and our citizens are brethren, the children all of one mother, and we do not think it right to be one another's masters or servants; but the natural equality of birth compels us to seek for legal equality, and to recognize no superiority except in the reputation of virtue and wisdom. (*Menex.* 238e and ff.)

Plato's *Menexenus* is a complementary piece to the *Gorgias* (cfr. Schofield, 2006, Dodds, 1959), a caricature of democratic rhetoric, where any audience of «children» and children-like adults is convinced by a confectioner to choose healthier foods. The narrative context of the dialogue leaves no doubt in the reader about the nature of the deeply ironic *Funeral Oration* (cfr. Méridier, 2003, Kahn 1963), but it is possible to talk about very serious matters in a comic way.

## 2. Platonic Readings

Karl Popper was outraged by this dialogue, guilty of trying to demolish Pericles' funeral oration, a democratic cornerstone laying the foundation of the symbolic world of Athenian democracy: the virulence of the Platonic attack on democracy reveals itself in the obvious parody contained in his dialogue (cfr. Popper, 2009: 211).

In a footnote, he adds that if some hold the *Menexenus* to be spurious, this merely shows their tendency to idealize Plato (Ibidem). On the contrary: *Menexenus*, a searing reply to Pericles' Funeral oration, is the dialogue that hints at Plato's true intentions and reveals his own seduction by the ideal of an open society:

In spite of his attempt to hide his feelings behind irony and scorn, he cannot but show how deeply he was impressed by Pericles' sentiments. This is how Plato makes his 'Socrates' maliciously describe the impression made upon him by Pericles' oration: 'A feeling of exultation stays with me for more than three days, not until the end of the fourth or fifth day, and not without an effort, do I come to my senses and realize where I am'. Who can doubt that Plato reveals here how seriously he was impressed by the creed of the open society, and how hard he had to struggle to come to his senses and to realize where he was – namely, in the camp of its enemies (Popper, 2009: 211, quoting *Menex.* 235b cfr. Idem: 355, note 61).

Karl Popper argues that it is urgent to bury Plato, because great men make great mistakes. This is necessary to maintain progress towards an «open society». His modern interpretation of Plato is still among the most famous, although classical scholars tend to consider it marginal, if not anachronistic (cfr. Bambrough, 1962 and Idem, 1967; Field, 1944; *sed* Ryle, 1948).

I will not argue here for the impartiality of Karl Popper's contribution to the «war effort», since that contribution has the form of a political manifesto against the enemies of the open society, more harsh and emotional in tone than Popper desired (Popper, 2009: xi). Besides, he states, again and again, that he never intended to be neutral against Plato and his totalitarian model of a «well organized state», and that it was only an interpretation, although a serious one, which he would like to see refuted (cfr. Idem: 372).

But it is important to clarify the implicit assumptions of this interpretation, before proceeding to its content. These are of two different kinds: some are hermeneutic assumptions about the interpretation of Plato's dialogues, while others consist of political (and epistemological) theses that Popper wants to present *a contrario* at Plato's expenses.

Some of the latter are already well known and justify the status of bestseller (and «longseller») that obviously does not apply to most of the academic literature on Plato: the defense of piecemeal social engineering, the protective state, equality before the law and humanitarianism – even his theory of democratic leadership, based on Thucydides' formula, is no longer unnoticed (cfr. Idem: 199).

His interpretation of Plato, however, is no less famous and influential, although not all of it equally original (cfr. e.g. Gomperz, 1902; Crossman, 1937). But in order to evaluate the assumptions in his interpretations of Plato's dialogues, the target of a hot debate, a critical reader should engage in the lengthy reading of the notes – as a whole, a longer text than the main body of the book. Besides, Popper's reading intertwines Plato's doctrines and a review of his own ideas around pairs of concepts: individualism *versus* «holism», nominalism *versus* conceptual «realism», protective versus totalitarian state, democratic sovereignty *versus* theory of checks and balances, institutionalism *versus* personalism, etc..

Even so, I think it fair to enumerate the main theses on interpretative issues as follows: 1) In the dialogues Socrates is Plato's mouthpiece, but the two are almost opposite, until Plato's final betrayal of his master, proposing laws that would lead to a new condemnation of Socrates; 2) Plato is a «dogmatic» and not skeptical philosopher; 3) he deliberately «distorts» the most fundamental concepts such as justice, equality or democracy as compared

to how they are commonly used by his contemporaries; 4) his work is essentially an intervention program; 5) his theories defended class interests, the interests of a class to which he belonged by family; 6) the *Republic* and the *Laws* (in particular) present a blueprint for a totalitarian society, whose corollaries are a caste system, an educational and eugenic program for the guardians and the expulsion of poets; 7) It is Plato's contempt for the truth that leads him to resort to pious myths and lies as an ideological cover.

It is characteristic of Aristotle that he presented the debate between egalitarianism and the oligarchic conception of justice as a conversation between two factions or parties, both of them with an incomplete vision of justice. He situated himself above these incomplete opinions like an umpire.

It is, in fact, sometimes beneficial to resort to a contrasting view in order to clarify the issues in question. Although it is not always easy to find a deserving opponent who shares the same approach, in this case we can find such an opponent in Leo Strauss. His work could be described as a kind of «platonic political philosophy».

Strauss, however, barely mentions the *Menexenus* once, and only briefly, recalling that the first attempt to systematize political experience was made by the rhetoricians, but that their vision was obviously limited (cfr. Strauss, 1971: 34). This dialogue was, in his view, a proof or a playful demonstration of the transferability of political knowledge, for Socrates borrowed his speech from Aspasia, who was ironically assumed to be the real author of Pericles' speeches.

The problem of «autochthony», the main motive of pride for Athenians in Menexenus' *encomium*, is notwithstanding mentioned in the context of the problem of natural right and this goes to the heart of Leo Strauss' concerns.

Every ideology, he comments, is an attempt at justification, against oneself or against others, in the face of certain lines of conduct the righteousness of which is not evident (as Hindus use karma to justify the caste system). For example, the Athenians proclaim that they are native born and borne of the earth, and so their city is not founded on crime. This is a proof of the existence of a sort of intuition of natural right: thanks to reason, man has available a wide range of alternatives, but he is aware that the full and unrestricted exercise of freedom is not just. Freedom is accompanied by a natural feeling that not everything is allowed, not unlike the «natural conscience» that Cicero mentions. Until cultivated, natural conscience feeds absurd taboos, but what guides the savage or the tribe is an inkling of what is right (Idem: 130).

Strauss' interpretation of the Platonic texts could not, at first glance, be more contrary to Popper's. In Strauss view, Plato is fundamentally true to

the Socratic program, but Socrates cannot be considered Plato's spokesman, because the dialogues are really like dramas and any playwright speaks both through the voice of his various characters and through their actions in the drama. In any case, Socrates was famous for his playful irony, and is therefore a problematic mouthpiece, since he often says different things to different interlocutors (cfr. Zuckert, 2011). Plato does not distort, but certainly questions the meaning of words like justice, truth or excellence, as a pedagogical device, even if opinion and not truth is the essence of politics. Any government needs salutary myths because what is by nature just is likely, without dilution, to shake the foundations of society. Plato, in any case, is not a systematic philosopher, nor are the dialogues entries in an encyclopedia of philosophical sciences and the *Republic* doesn't present concrete political proposals – «the *Laws* is the only political work proper of Plato» (Strauss & Cropsey, 1963: 231). He certainly did not want to abolish poetry, but argued that all poetry serves philosophy.

Interestingly, Strauss' «architectonic» ideas are also known through pairs of concepts in a never resolved tension: Ancients *versus* Moderns, Athens *versus* Jerusalem, Philosophy *versus* Poetry, Reason *versus* Revelation (or Law), facts and values, etc.. But his political ideas and his art of writing lead to a very different evaluation of Plato political thought.

In short, Popper regarded the *Republic* as a totalitarian utopia; Leo Strauss thought it was the best cure against totalitarian ambition in politics. Indeed, both Leo Strauss and Karl Popper discussed or criticized Plato's ideas as if he was a contemporary, without too much concern for his «being a man of his time». He is very much alive in their analyses.

Their interpretations continue to surprise us and to be read, however, not for the merits of the interpretation itself – for all its charm – but because they are important in current political debate. At first sight, they only share their admiration for Socrates and the Socratic ideal, which they both kept to the end of their own lives, and an essentially political reading of Plato. The two interpretations cannot, of course, both be true to Plato political thought. But if, in general, the accusatory tone, a bit crude, in Popper's text outraged Platonists, even if they sometimes recognized its suggestive or provocative power, Strauss' teachings on Plato also annoyed and made academics suspicious (e.g. Pangle 2006, Drury, 1988, *sed contra* Minowitz 2009).

We should not, however, ignore either of them altogether, for they are both extraordinary thinkers, even if idiosyncratic. It is not difficult to engage them in a fictitious conversation on the subject of the philosophical foundation of political equality.

### 3. Nature and convention

In Karl Popper's text dedicated to Plato's «descriptive sociology», in his *Open Society*, he makes a careful presentation of the ancient Greek debate between «nature and convention». Such a debate precedes Plato: the approaching of social phenomena with a scientific spirit is not new to Plato (cfr. Popper, 2009: 58) and the previous generation of Sophists distinguished two elements in the human environment, a natural one and a social one – a difficult distinction since we tend to take our own environment for granted. However, distinguishing *physis* and *nomos*, they broke with the tribal and magical attitude, characteristic of closed societies living in a charmed circle of laws, taboos and immutable customs (Cfr. Ibidem).

Karl Popper however further clarifies this distinction by asserting the enormous difference between natural laws, such as those that describe the motion of the planets, and normative laws that prescribe or forbid, whether the Ten Commandments, a set of parliamentary election rules or – the relevant case – the laws in the Athenian constitution. The former are invariable regularities that do not allow changes or exceptions, but only falsehood, and are out of human control, even if they can be used for technological purposes. The latter are enforced by man and may change, but it cannot be said of them – except metaphorically – that they are true or false, only good or bad, right or wrong.

Certainly, some think there are «natural» standards, because they are in accordance with human nature, or psychological laws of human behavior. But the two kinds of laws have little more in common than the name and a debate presupposes the clarification of the difference, in order to avoid misunderstandings due to poor terminology (Idem: 60).

To understand Plato's sociology, Popper considers it necessary to explain how this distinction between natural and normative laws was developed. The starting point is what he designates as «naïve monism» typical of closed societies, where the distinction was ignored, and this could appear in two ways: «naïve naturalism», a belief that social regularities seemed impossible to change, and «naïve conventionalism», the assumption that everything that goes on in nature seems to result from the arbitrary decisions of men and gods, and can be changed in a magical way (Idem: 61, cfr. 254 n.3).

The historical fact that breaks magic tribalism is the *clash of cultures*, the finding that there are different taboos in different tribes and that these can be disobeyed without unpleasant consequences, because laws are made

by man, either the Solon code or the democratic laws of the city. This gives rise to what he calls a «critical dualism» of facts and values, or a «critical conventionalism», which is announced in terms of the opposition between nature and convention. This is the position taken by an older contemporary of Socrates, Protagoras.

Such a dualism, according to Popper, does not necessarily imply a theory of the origin of the laws, i.e. that these were introduced consciously rather than discovered, or came from God or man (Idem: 62). But neither minimizes the importance of standards and even less implies that laws are merely arbitrary because they are the works of men.

The theory implies only that laws may be amended by a decision or convention and that only man is morally responsible for their formulation or acceptance, or for improving them, *following patterns that are not found in nature*, since nature is neither moral nor immoral. Men are products of nature, but nature gave men the power to predict, plan or change the world.

These decisions or values are not derived from facts. We are not opposed to slavery because no man is born with chains: some may want to put other men in chains, and others freed them. We can change or resist change, or not act at all, but no decision can ever be derived from facts (cfr. Idem: 63). Such is the doctrine of the «autonomy of ethics, first advocated by Protagoras and Socrates» (Idem: 68).

Leo Strauss also dedicated a long chapter in his *Natural Right and History* to the emergence of the idea of *physis* that disturbs the identification of the ancestral and the good, and leads to philosophy (Strauss, 1971: 90 and ff.). But, of course, the only sense of the expression «natural right» or «natural law» in which he was interested was the possibility of the existence of «natural» standards for human action, or the foundation of ethics and politics in accordance with human nature. Let us call these standards psychological laws of human behavior, using Popper's expression, and avoid verbal disputes (cfr. Popper, 2009: 63-68).

For Strauss, however, the mere diversity of opinions about justice or right is not an argument against the existence of such standards. The existence of different taboos in different tribes is not only compatible with, but a precondition for the discovery of natural right. The diversity of conceptions of justice would only be incompatible with natural right if unanimous consent was required and not merely potential consent (Strauss, 1971: 125). As Plato asserted, even the most primitive and bizarre view points beyond itself, because people's opinions come into conflict and a philosopher guides them above opinions, in the direction of truth. Of course, no assurance can



be given that a philosopher can do more than identify fundamental alternatives or that philosophy goes beyond the stage of debate (Ibidem).

Strauss does not disagree with Popper that classical conventionalism does not imply that laws are merely arbitrary because they are the works of men, but they did not formulate a coherent political theory. A conventionalist, as appears to be the case of Protagoras or Antiphon, disregards the truth embodied in opinion and appeals to nature and this is why Socrates was forced to demonstrate what is naturally just in terms of conventionalism, appealing to facts as opposed to speeches – the *Republic* is such an appeal put in a document.

The basic premise of conventionalism was the identification of good with pleasure, and so the proponents of classical natural right are critics of hedonism. What is good for them is more fundamental than pleasure: different needs explain the differences between pleasures, but needs are not a bundle of desires, because there is a natural order of needs, which are different according to each being. What is good refers to the natural constitution or *quid*, which determines the hierarchy of a being's goods (Strauss, 1971: 127). Each specific constitution corresponds to a specific operation: if something is good, it does the work that corresponds to its nature. To know what is good for man, we need to know man's natural constitution. All animals have a soul and the human soul is distinguished by speech or reason (*logos*), and so what is good for man is to live thoughtfully. Life is good if it is the perfection of human nature (Ibidem).

A life of excellence can be defended in hedonistic terms rather than *per se*, but this view distorts phenomena as understood by impartial and competent, i.e. not morally obtuse, men (Idem: 128). Everyone admires a harmonious soul, regardless of the benefits. The utilitarian or hedonistic logic can only be explained with an *ad hoc* hypothesis (good is a refined calculation of pleasures, etc.). Ancient hedonism is, however, mainly a private stance, without political doctrine.

Karl Popper questions any laws of «human nature», which he reduces to mere sociological and psychological regularities of human behavior. He considers them connected to the functioning of social institutions (Popper, 2009: 69). Plato formulated a theory of «psychological or spiritual naturalism» combining elements of Antiphon's or Pindar's biological naturalism with elements of ethical positivism (Idem: 70, cfr. 70-75). Plato's vague spiritual naturalism surprisingly, however, according to Popper, had no great consequences – as opposed to the priority of the state over the imperfection of individual men.

Plato does not always use the word «nature» in the same sense, but the most important sense is virtually identical to «essence», the meaning that prevails when we speak of the nature of mathematics, or happiness, or misery (Idem: 75-76). When used by Plato, nature is the same as Form or idea, which is not in a thing but separated from it (Idem 76, cfr. 15-32).

Natural is what is innate or original, or divine, while artificial things are copies of ideas, two or three degrees away, even more removed from reality than tangible things in flux (Popper, 2009: 76). Plato agrees with Antiphon on one point: he assumes that the opposition between nature and convention corresponds to the opposition between truth and falsehood, reality and appearance, original and man-made, objects of reason and opinions.

As science should know the true nature of things, the most important task of social science is to examine the nature of human society or the state. But nature is the origin of something, according to the historicist methods he finds in Plato (something that Strauss would never grant). What is the nature of society? According to Popper, the answer lies in the *Republic* and the *Laws* where he presents his spiritual naturalism: the polis is a convention or a social contract, but not only that; it is a natural convention, a convention based on human nature, the social nature of man, which has its origin in the imperfection of the human individual (Idem:77).

In opposition to Socrates, according to Popper, Plato teaches that what is human cannot be not self-sufficient. Plato insists that there are many degrees of human perfection, but even the «rare and uncommon natures» that approach perfection depend on others, even if only for manual work, and therefore man can only reach perfection in society: the best society should be his «social habitat» (Idem: 78).

The state is above people because only the state is self-sufficient or autarkic. The individual and society are interdependent: one owes his existence to the other, but the superiority of the latter manifests itself in many ways, including the idea that the state of decadence and disunity is caused by the imperfection of the soul, of human nature.

Leo Strauss is very attentive to the nature of the change of thought carried out by Socrates – i. e., Plato's Socrates, the only Socrates we know that does not fit on the back of a stamp. At first glance, Socrates turned away from the study of nature and limited his inquiries to human things and so refused to look at human things in the light of the subversive distinction between nature and convention.

In his view, however, this conclusion mistakes Socrates' starting point or the result of his investigations for the «substance of his thought» (Strauss,

1971: 121). Strauss agrees that the classics presuppose the validity of the distinction between convention and nature when demanding that law should follow the order established by nature. The characteristic institutions of Plato's best polity, e.g., are «in accordance with nature», and against habits or customs (Ibidem).

When in Plato's dialogues Socrates raises the question «What is X?» (courage, city, etc.), he is forced to also raise the question of the *ratio rerum humanorum* and to approach the study of human things as such, as irreducible to divine or natural things. «What, its 'shape' or 'form' or character (...) cannot be understood as a product of the process leading to it» (Idem: 123). On the contrary, the process can only be understood through its *telos*. Leo Strauss recalled that this transformation was a return to sobriety from the madness of his predecessors. As he liked to repeat, Socrates did not separate wisdom and moderation. In modern language this means a return to common sense. Disregarding opinions about the nature of things and especially of human things amounted to abandoning the most important source of access to reality. His starting point was the surface or *eidos* or shape visible, first to us, not first by itself. This ascent from opinions was the friendly art of conversation, dialectic. Such dialogues are made possible by the fact that opinions about what things are, e.g. justice, are different and contrary (Idem: 124).

#### 4. Natural and conventional sociability and equality

According to Popper, whether it was Protagoras or Lycophron who proposed the theory that laws have their origin in a social contract, Plato combines Protagoras' conventionalism with his naturalism – an indication that even the original version of conventionalism did not maintain that laws were completely arbitrary, as confirmed by Plato's comments (cfr. Idem: 79, n. 27 and *Theetetus*, 172b). In the *Laws*, Plato lists the principles on which political authority can rely, mentioning the biological naturalism of the Theban poet Pindar («the strong rule the weak»), but proposing a correction: the wise rule and the rulers follow, an amendment which would not be contrary to nature, because based on mutual consent.

In the *Republic* Popper also found elements of naturalism combined with a contractualist (and utilitarian) theory. The inhabitants gather together to promote their interests, although behind this there is always the idea that man is not self-sufficient (Popper, 2009: 79).

Strauss, on the contrary, stresses that for all classics (including Plato) man is by nature a social animal. He is constituted in such a way that he cannot live well without other men, because it is *logos*, discourse, that distinguishes him from other animals and this supposes communication (Strauss 1971: 129). Man is so radically more social than other animals that sociability is humanity itself, i.e., all actions – social and anti-social – refer to others, not from a calculation of the pleasures to be derived from association, but because the mere association gives him pleasure:

His sociality does not proceed, then, from a calculation of the pleasures which he expects from association, but he derives pleasure from association because he is by nature social. Love, affection, friendship, pity, are as natural to him as concern with his own good and calculation of what is conducive to his own good. It is man's natural sociality that is the basis of natural right in the narrow or strict sense of right. Because man is by nature social, the perfection of his nature includes the social virtue par excellence: justice; justice and right are natural. All members of the same species are akin to one another. This natural kinship is deepened and transfigured in the case of man as a consequence of his radical sociality (Strauss 1971: 129).

All members of the same species are related, but in man this relationship is deepened by his radical sociability. Procreation is only partly a way to preserve the species; there is no relation between men that is totally free and everyone is aware of it (Ibidem). Men differ from brutes through speech or reason (*logos*), so the good life is the examined life. Man is by nature social and cannot live well except when living with others; he refers to others in every human act. Love, affection, friendship and pity are as natural for him as his own self-interest. Men are free but have a sense that the unrestrained exercise of that freedom is not right and if men have not cultivated their conscience properly, they will produce absurd taboos.

Man cannot reach perfection except in civil society, or in the city. The full achievement of humanity is not, however some sort of passive membership. The good man is identical with the citizen who exercises the activity of a ruler: power will reveal a man and give him opportunities to excel (Idem: 133).

Since Plato and the classics viewed moral and political matters in the light of man's perfection they certainly were not egalitarians, and equal rights appeared unjust to them (Idem: 134, 135). But Plato's so called «naturalism», according to Strauss, was full of potential consequences. In fact, the latter were so extreme that they had to be diluted as to allow political life:

The justice of the city [according to nature] may be said to consist in acting according to the principle «from everyone according to his capacity and to everyone according to his merits» (....) Since there is no good reason for assuming that the capacity for meritorious action is bound up with sex, beauty, and so on, «discrimination» on account of sex, ugliness, and so on is unjust. The only proper reward for service is honor, and therefore the only proper reward for outstanding service is great authority. In a just society the social hierarchy will correspond strictly to the hierarchy of merit and of merit alone. Now, as a rule, civil society regards as an indispensable condition for holding high office that the individual concerned be a born citizen, a son of a citizen father and a citizen mother. That is to say, civil society in one way or another qualifies the principle of merit, i.e., the principle *par excellence* of justice, by the wholly unconnected principle of indigeness. (Idem: 148)

Karl Popper preferred to call attention to the tradition of egalitarian thinkers, which Plato opposed. Even if equality and democracy are simply human standards or institutions «men made», democracy was cherished, as Popper pointed out, although often called *isonomia* or equality – Strauss does not deny that there is an egalitarian natural right (cfr. Idem: 118), but we barely know what it stands for and for good reason: it is by nature apolitical.

It should be noted that the fundamental natural or biological equality between men, referred to in modern Declarations of the Rights of Man and of the Citizen plays no role in Popper's own theory, which considers it only to be «language of great effect», not a relevant argument. Not only because, although humans are alike in many respects, they differ in many others, but also because the normative rules cannot be inferred from any fact. No pattern or value follows from a fact. Only very primitive societies, where «uncritical conventionalism» pervades, confuse *nomos* and *physis*. Theories of «natural rights» often arise in support of humanitarian and egalitarian ideas, but this is more an accident than a necessity.

For Plato no two people are alike, each has his particular nature, some are made for certain work, others for others, and the defense of the economic principle of the division of labor is based on an element of biological naturalism, the uneven nature of man, first introduced innocently and then with far-reaching consequences because, in fact, the only important division of labor is the division between rulers and ruled, based on the natural inequality between masters and servants, wise and ignorant.

Plato's position is generally a vague spiritual naturalism best formulated in the *Laws*. The arguments in Plato's spiritual naturalism, according to Popper, are unable to answer any specific question of whether some law is

fair in particular: they are too vague to be applied to any problem and only provide generic arguments in favor of conservatism. In practice everything is left to the wisdom of the great lawgiver (according to him, recognizable in the *Laws* as a self-portrait of Plato). In contrast, the interdependence theory and anti-egalitarianism have substantial consequences.

## 5. Equality and universal citizenship?

In brief, according to Karl Popper, Plato opposes equality based on an inconsequent biological naturalism and errs because *patterns are found not in nature* but in men standards (and hearts?); according to Leo Strauss, Plato opposes equality because what is by nature just must be qualified in order to preserve society.

Although it is, of course, somewhat of a paradox that Plato, the only great ancient philosopher to voice the possibility of radical equality, equality of property, of men and women, and of citizens in the polity equal at birth, seemed to be, at the same time, the least inclined to its actualization.

Some say, however, it was not him but Aristotle that utterly discredited nature as a standard for society. Aristotle inferred from his view of nature that equality proper was desirable only in the best polity, where the good man and the good citizen are the same. Extreme democracy, that is, a democracy where even the mechanics are citizens is not in accordance with nature. Citizenship is a «privilege», not a right. It ensures freedom for free men, but not for men as men and therefore coexists peacefully with not only slavery but also with the near absence of rights for foreigners, totally unacceptable ideas to us.

On the contrary, Plato's dialogue still challenges us today because it raises in a magnificent form the problem of the foundation of political equality. Some, if not all, of the problems voiced in the dialogue – whether we feel outraged or merely challenged – still deserve careful consideration: is democracy viable if no historical ties or common culture justify a certain solidarity (as brothers and not masters and slaves) and make sharing democratic burdens bearable? Is the social equality of citizens a condition forcing the seeking of legal equality (and even the defense of freedom abroad) or an enemy of excellence?

That is because we find ourselves in a paradoxical situation: it seems appropriate to expand equality and uphold universal citizenship, but we lack the arguments at Plato's disposal. It is characteristic of us that we run extensive empirical studies on inequality, but we do not know how to justify political

equality, since the traditional foundations – God and nature – do not appear solid foundations to us anymore, and rest on the mere whim or fancy of men.

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